

Applicants elect, with traverse, Group I, Claims 1-10, for further prosecution.

With respect to Groups I-IV, the Office merely states its conclusion that these groups are independent and distinct. Applicants submit that the Office has not provided adequate reasons and/or examples to support this conclusion. The Office simply concludes that the protein of invention I can be used as a probe, or used therapeutically or diagnostically. Further, the Office has failed to show that the proposed use is materially different from the claimed use. In addition, no reasons and/or examples have been offered to support restriction between Groups II-IV. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

In regard to Groups I and V, the Office has characterized the relationship between these two groups as product and process of use. Citing MPEP §806.05(h), the Office concludes that the product as claimed can be used as an antigen in the production of specific antibodies. However, the Office has not provided reasons and/or examples to support this conclusion. Further, the Office has failed to show that the proposed use is materially different from the claimed use. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

The Office has characterized the inventions of Groups IV and V as unrelated. Citing MPEP §806.04 and MPEP §808.01, the Office concludes that "the different inventions are not disclosed as capable of use together". However, the Office has not provided any reasons and/or examples to support this assertion. The Office has merely stated the conclusion. Accordingly, the Office has failed to meet the burden necessary in order to sustain the

Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office.

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn.

Additionally, MPEP §821.04 states:

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicants respectfully submit that should the elected group be found allowable, non-elected process claims should be rejoined.

Applicants respectfully submit that the above-identified application is now in
condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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